AMENDMENTS TO THE DRAWINGS:

The attached Replacement Sheets of Drawings including Figures 1, 2a, 2b, 6, and 8 replace the original sheets containing Figures 1, 2a, 6, and 8.

Attachment: Three (3) Replacement Sheets.

REMARKS

Claim 17 is canceled without prejudice, claims 30 to 35 are added, and therefore claims 16 and 18 to 35 are pending in the present application.

In view of the following remarks, it is respectfully submitted that the pending claims are allowable, and reconsideration is respectfully requested.

Applicants thank the Examiner for acknowledging the claim for foreign priority and for indicating that all certified copies of the priority documents have been received.

The drawings were objected to for a minor formality. Figures 1, 2, 6, and 8 are corrected in the accompanying Replacement Sheets for these figures, as suggested. Approval and entry are respectfully requested, as is withdrawal of the objections to the drawings.

Claims 16 to 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Debugging Protocol for Remote Cross Development Environment* to Seungwoo et al. ("Seungwoo") in view of U.S. Patent No. 5,991,533 to Sano et al. ("Sano").

To reject a claim under 35 U.S.C. § 103(a), the Office bears the initial burden of presenting a *prima facie* case of obviousness. *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). To establish *prima facie* obviousness, three criteria must be satisfied. First, there must be some suggestion or motivation to modify or combine reference teachings. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). This teaching or suggestion to make the claimed combination must be found in the prior art and not based on the application disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

Also, as clearly indicated by the Supreme Court in *KSR*, it is "important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the [prior art] elements" in the manner claimed. *See KSR Int'l Co. v. Teleflex, Inc.*, 127 S. Ct. 1727 (2007). In this regard, the Supreme Court further noted that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." *Id.*, at 1396. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091, 231 U.S.P.Q. 375 (Fed. Cir. 1986). Third, the prior art

reference(s) must teach or suggest all of the claim features. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974).

While the rejections may not be agreed with, to facilitate matters, claim 1 has been rewritten to better clarify the claimed subject matter. Claim 1, as presented, includes the features of original page number 26 (lines 20 to 30) of the present application, in which different real time properties are reconfigured as provided for in the context of the presently claimed subject matter. The different real time properties can be influenced independently from each other, so that, for example, it is possible with one reconfiguration to influence only the task priority and the scheduling mode. Claim 1, as presented, is new and inventive as compared to the applied references.

Still further, claim 16, as presented, is related to a simulation system for computer-implemented simulation and verification of a ***control system under development***. It is respectfully submitted that the combination of Seungwoo and Sano does not disclose the above highlighted feature for at least the following reasons. As to column 6, lines 60 to 64, and Figure 23a of Sano, it does not disclose the above recited claim feature, since the term "development" as used in Sano is wholly different than that of the presently claimed subject matter. For example, the section cited by the Office Action states that the system of Sano "is capable of enhancing *efficiency* of *development* of a CPU mounted circuit and also enhance efficiency of development of a sequence control system using a PLC." (Sano, column 6, lines 60 to 63, emphasis added).

This "development" of Sano is with regard to HDL models of a CPU. Accordingly, Sano attempts to improve the efficiency in the development of a CPU by using certain HDL models in its simulations. The corrections of the CPU can be done virtually, and a new simulation can be run, thereby shortening development time. Thus, new simulations can be run under different configurations.

In contrast, the "under development" of the claimed subject matter is to a system that is presently running (i.e., already being performed) and need not be stopped to run a new simulation. (See Specification page 11, line 30, to page 12, line 7). Any review of the Sano reference makes plain that a "control system under development," as provided for in the context of the claimed subject matter and the specification, is not disclosed or suggested, as provided for in the context of the presently claimed subject matter.

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Also, it is axiomatic that the terms in a claim are to be understood in view of the specification. (See *In re Weiss*, 26 U.S.P.Q.2d 1885, 1887 (Fed. Cir. 1993) (when interpreting a claim term or phrase, one must "look to the specification for the meaning ascribed to that term"; Board reversed) (unpublished decision); *In re Okuzawa*, 190 U.S.P.Q. 464, 466 (C.C.P.A. 1976) ("claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification"; Board reversed; emphasis in original) (citing *In re Royka*, 180 U.S.P.Q. 580, 582-83 (C.C.P.A. 1974) (claims are "not to be read in a vacuum" and "their terms still have to be given the meaning called for by the specification of which they form a part"; Board reversed; emphasis in original); and *In re Rohrbacher*, 128 U.S.P.Q. 117, 119 (C.C.P.A. 1960) (an "applicant is his own lexicographer and words used in his claims are to be interpreted in the sense in which they are used in the specification"; Board reversed)).

Accordingly, claim 16, as presented, is allowable, as are its dependent claims 17 to 23, 25 and 26.

Claims 27, 28 and 29 have been rewritten like claim 1, as presented, and they are therefore allowable for essentially the same reasons, as are claims 38, 48, 57, and 58, which depend from claim 28.

As further regards all of the obviousness rejections, any Official Notice is respectfully traversed to the extent that it is maintained and it is requested that the Examiner provide specific evidence to establish those assertions and/or contentions that may be supported by the Official Notices under 37 C.F.R. § 1.104(d)(2) or otherwise. In particular, it is respectfully requested that the Examiner provide an affidavit and/or that the Examiner provide published information concerning these assertions. This is because the § 103 rejections are apparently being based on assertions that draw on facts within the personal knowledge of the Examiner, since no support was provided for these otherwise conclusory and unsupported assertions. (See also MPEP § 2144.03).

It is therefore respectfully requested that the obviousness rejections be withdrawn.

New claims 30 to 35 do not add any new matter and are supported by the present application. Claims 30 to 32 depend from claim 16, as presented, and therefore

allowable at least for the same reasons. Claims 33 to 35 depend from claim 20, as presented, and therefore allowable at least for the same reasons.

Accordingly, claims 16 and 18 to 35 are allowable.

CONCLUSION

In view of the foregoing, it is respectfully submitted that all of the pending and considered claims are allowable. It is therefore respectfully requested that the rejections and objections be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,

Dated: _____

By:_____
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